

1 EDDIE R. JIMENEZ (CA SBN 231239)
GABRIEL OZEL (CA SBN 269098)
2 MATTHEW R. CLARK (CA SBN 271054)
PITE DUNCAN, LLP
3 4375 Jutland Drive, Suite 200
P.O. Box 17933
4 San Diego, CA 92177-0933
Telephone: (858) 750-7600
5 Facsimile: (619) 590-1385

6 Attorneys for USBANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BEAR
STEARNS BART 2006-1
7
8

9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

11 In re

12 DAVID CHARLES SUCKOW ,
13
14

Case No. 09-45952

Chapter 13

R.S. No. CJR-667

15 **DECLARATION OF DEFAULT UNDER**
16 **ORDER GRANTING ADEQUATE**
17 **PROTECTION**

18 DATE: April 16, 2010
19 TIME: 11:00 AM
CTR: 201

1300 Clay Street, Suite 300
Oakland, CA 94604-1426

20 Debtor(s).

21 I, Teressa J. Williams, declare as follows:

22 1. I am over 18 years of age and am employed as a VP of Loan Documentation of Wells
23 Fargo Home Mortgage a division of Wells Fargo Bank, N.A. ("WFHM"). In such capacity, I am
24 authorized to make this declaration regarding the loan (the "Loan") that is the subject of USBank
25 National Association, as Trustee for Bear Stearns BART 2006-1's Order Granting Adequate
26 Protection (the "Order") entered in the instant case.

27 2. I have access to WFHM's books and records regarding the Loan, including WFHM's
28 servicing records and copies of the applicable Loan documents. I am familiar with the manner in

1 which WFHM maintains its books and records, including computer records relating to the servicing
2 of the Loan. WFHM's records are made at or near the time of the occurrence of the matters set forth
3 in such records, by an employee or representative with knowledge of the acts or events recorded.
4 Such records are obtained, kept and maintained by WFHM in the regular course of WFHM's
5 business. WFHM relies on such records in the ordinary course of its business.

6 3. The Order was entered in the instant case on May 6, 2010, which conditions the
7 continuation of the automatic stay in this case on the performance by David Charles Suckow
8 ("Debtor") and Shauna M. Suckow (collectively the "Borrowers") of certain obligations for the
9 benefit of USBank National Association, as Trustee for Bear Stearns BART 2006-1. A true and
10 correct copy of the Order is attached hereto as **Exhibit A** and incorporated herein by reference.

11 4. The Debtor defaulted upon his obligations under the Order by failing to make the
12 payments due the January 1, 2011 post-petition payment in the amount of \$3,033.31.

13 5. USBank National Association, as Trustee for Bear Stearns BART 2006-1 caused a
14 notice of default (the "Notice") identifying the default referenced in paragraph 4 to be served on the
15 Debtor on February 2, 2011. A true and correct copy of the Notice is attached hereto as **Exhibit B**.


16 6. The February 1, 2011, post-petition payment in the amount of \$3,033.31 and the
17 February 15, 2011, additional payment in the amount of \$646.22 are also now in default.
18 Additionally, USBank National Association, as Trustee for Bear Stearns BART 2006-1 has incurred
19 attorneys' fees in the amount of \$150.00 incident to the preparation of this declaration and the
20 corresponding proposed order.

21 I declare under penalty of perjury that the foregoing is true and correct to the best of my
22 knowledge, information and belief.

23 Executed in Jacksonville, SC, this 20 day of April, 2011.

24 **Teressa J. Williams**

25 Print Declarant's Name


Signature of Declarant

26 **VP of Loan Documentation**